

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LISA DeLINDSAY and PEACE CORPS,
OFFICE OF MEDICAL SERVICES, Washington, DC

*Docket No. 99-1769; Submitted on the Record;
Issued August 24, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether the Office of Workers' Compensation Programs properly denied reimbursement for appellant's examination in July 1998.

In 1996 appellant, a Peace Corps volunteer in Ghana, discovered that she had a low blood platelet count. She returned to the United States for a bone marrow evaluation, but when the tests came back negative, she returned to Ghana to complete her service. She had her platelets checked periodically through the Ghana Peace Corps Medical Services. In November 1997, she left Ghana and traveled for seven months before returning to the United States. Before appellant left, a Peace Corps nurse advised her to have her blood platelets checked upon her return to the United States. She received a voucher at her close of service to have a follow-up examination at her home of record. The voucher authorized a single post-service medical evaluation of appellant's condition at the employing establishment's expense. On November 10, 1997 appellant signed a close of service checklist indicating that she understood that it was her responsibility to have the evaluation performed within six months of her close of service date, November 15, 1997.

On July 20, 1998 appellant underwent evaluation of her condition in Denver, Colorado. On appeal, she seeks reimbursement for the resulting medical expense.

In a decision dated April 1, 1999, the Office found that the medical evidence was insufficient to establish that appellant's condition, thrombocytopenia, was caused by her Peace Corps service. The Office noted that the evidence of record showed that her condition preexisted her Peace Corps service, and found that appellant had failed to submit reasoned medical opinion evidence that her condition was proximately caused, materially aggravated or accelerated by factors of her Peace Corps service.

On appeal, appellant concedes the issue of causal relation. She argues instead that the Office should reimburse her for the examination in July 1998 because she was following the direction of the Peace Corps nurse.

The Board finds that the Office properly denied reimbursement for appellant's examination on July 20, 1998.

An employee is entitled to receive all medical services, appliances or supplies which a qualified physician prescribes or recommends and which the Office considers necessary to treat a work-related injury.¹

In this case, the employing establishment authorized a post-service evaluation, but the authorization expired 180 days after appellant's close of service, and the date of expiration, May 14, 1998, appeared clearly on the voucher which appellant signed. Appellant also signed a close of service checklist acknowledging that it was her responsibility to have this evaluation performed within six months of her close-of-service date. The record contains no Form CA-16 or other authorization from the Office that would create a contractual obligation for it to pay for the cost of appellant's examination or treatment regardless of the action taken on her claim.² Further, there is no evidence of a work-related injury in this case, and appellant does not argue that her condition is causally related to her federal employment.³

Appellant's position on appeal is that she should not have to pay for the July 20, 1998 examination as she was following the advice of the Peace Corps nurse to have her platelet count checked immediately upon her return to the United States. Such advice does not constitute a promise to pay or reimburse. The implication that she detrimentally relied on the nurse's advice is weakened significantly by the appearance in the case record of the two documents, signed by appellant, acknowledging that authorization for such a medical evaluation would expire on May 14, 1998. Without a work-related injury and prescription from a qualified physician and without a valid authorization for the medical service provided, there is no basis under the Federal Employees' Compensation Act or its implementing regulations for the payment of expenses arising from appellant's July 20, 1998 examination.

¹ See 5 U.S.C. § 8103(a); 20 C.F.R. § 10.310(a) (1999).

² See 20 C.F.R. § 10.300; *Frederick J. Williams*, 35 ECAB 805 (1984).

³ See 20 C.F.R. § 10.730 (1999).

The April 1, 1999 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
August 24, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Michael E. Groom
Alternate Member